

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8339 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL and

MR.JUSTICE S.M.SONI

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

CENTRAL PULP MILLS LTD

Versus

STATE OF GUJARAT

Appearance:

MR ND NANAVATI for Petitioner
GOVERNMENT PLEADER for Respondent No. 1
MR JA ADESHRA for Respondent No. 2
SERVED BY DS for Respondent No. 4

CORAM : MR.JUSTICE B.C.PATEL and
MR.JUSTICE S.M.SONI

Date of decision: 27/06/97

ORAL JUDGEMENT

The petitioner, The Central Pulp Mills Limited, has filed this petition against cancellation of consent / authorisation. In the prayer clause at paragraph 9 (A),

it is prayed that "your Lordships may be pleased to hold and declare that in the facts and circumstances presented by the company this is neither a fit case for cancellation of consent / authorisation nor a case for refusal to grant renewal of consent / authorization for air, effluent or solid waste, and the facts & record of the case do not justify stringent action under section 5 of E.P. Act 1986."

2. After rejection of consent under the Water (Prevention and Control of Pollution) Act, 1974, the unit can either prefer an appeal or can apply afresh after making requisite modifications in the treatment plants. It is stated on behalf of the unit that the unit has already made a fresh application for consent which is pending with the Board for consideration. Mr. Nanavati, learned Sr. Advocate further submitted that possibly in view of the fact that proceedings are pending against the Company under the Pollution laws, the Board has not taken any decision on the fresh consent application.

3. In the circumstances, we direct the Board, the respondent No. 2 herein, to decide the application for consent in accordance with law, without prejudiced by the fact that proceedings under the pollution laws are pending in the Court and shall communicate the decision so taken to the petitioner unit within a period of three weeks from today.

4. In view of this direction, learned advocate Mr. Nanavati does not press this petition at this stage. This petition, therefore, stands disposed of accordingly, with the aforesaid direction. Notice is discharged.

csm./ -----